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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,648	07/30/2003	Laurent Coldre	11016-0018	6847
7590	05/10/2004		EXAMINER	
CLARK & BRODY Suite 600 1750 K Street, NW Washington, DC 20006			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
				3634

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/629,648	COLDRE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gregory J. Strimbu	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/5/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "32" and "34" on line 19 of page 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "[t]he invention provides" on line 1 can be easily implied and therefore should be deleted. On line 7, "a sliding

“window pane” is confusing since it is unclear if the applicant is referring to the window set forth above or is attempting to set forth another element of the invention in addition to the window set forth above. Legal phraseology “means” on line 10 should be avoided. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because the description of figures 1-4 and 4a is inadequate since each figure should be separately described.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to remove the recitation “[i]mprovement” since all inventions are considered to be improvements over the prior art and to include the lack of reinforcing elements. See claim 1.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “sliding window pane” on line 7 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the window set forth above or is attempting to set forth another element of the invention in addition to the window set forth above. Recitations such as “much” on line 4 of claim 2 render the claims indefinite because they are relative terms whose meaning cannot be readily ascertained

by one with ordinary skill in the art and is not defined in the specification. Recitations such as "reducing wall thickness" on line 2 of claim 4 render the claims indefinite because it is unclear what element of the invention includes the wall to which the applicant refers. Recitations such as "the flange supporting the clip" on lines 1-2 of claim 10 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a weatherstrip or the combination of a weatherstrip and a flange. The preamble of claim 1 implies the subcombination while the positive recitation of the flange in claim 10 implies the combination. Recitations such as "the sheet metal clearances thereof" on lines 5-6 of claim 10, "the clearance-accommodating lips" on lines 6-7 of claim 10 and "the jaws" on lines 7-8 of claim 10 render the claims indefinite because they lack antecedent basis. Recitations such as "or" on line 8 of claim 10 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively recite. Recitations such as "a single-flange type slideway" on lines 1-2 of claim 11 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises a "single flange type slideway"?

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dover. Dover discloses a weatherstrip forming a slideway for a motor vehicle window 24, the strip comprising at least a fixing portion 26 in the form of a channel-section clip suitable for engaging on a flange 28 of the frame of a window opening of the vehicle, and a support portion 20, 30 supporting sealing lips 62 and 64 which are suitable for coming into sliding contact with a sliding window pane 24, the fixing portion being made from a rigid thermoplastic material (see column 5, lines 56-58) without the presence of reinforcing means, and wherein a hinge 44 is formed between the fixing portion and the portion supporting the sealing lips, a retaining abutment 48, a lip 46.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Backes et al., Minami et al., Brocke, Castagno, Hannya et al., Guillon, Dupuy, Lee et al. and McMillin et al. are cited for disclosing a weatherstrip having a flange mounting portion that does not have reinforcing means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
May 3, 2004